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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**

8 IN RE BARD IVC FILTERS
9 PRODUCTS LIABILITY LITIGATION
10

No. MD-15-02641-PHX-DGC

**AMENDED MASTER SHORT FORM
COMPLAINT FOR DAMAGES FOR
INDIVIDUAL CLAIMS AND DEMAND
FOR JURY TRIAL**

11 Plaintiff(s) named below, for their Amended Complaint against Defendants named
12 below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc.364).

13 Plaintiff(s) further show the Court as follows:

- 14 1. Plaintiff/Deceased Party:

15 Tamara Holcomb
16

- 17 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
consortium claim:

18 n/a
19

- 20 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
conservator):

21 n/a
22

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

Florida

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Florida

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Florida

7. District Court and Division in which venue would be proper absent direct filing:

USDC for the District of New Jersey, USDC for the District of Florida,

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

- ☐ Recovery[®] Vena Cava Filter
- ☐ G2[®] Vena Cava Filter
- ☐ G2[®] Express Vena Cava Filter
- ☐ G2[®] X Vena Cava Filter
- ☐ Eclipse[®] Vena Cava Filter
- ☐ Meridian[®] Vena Cava Filter
- ☒ Denali[®] Vena Cava Filter
- ☐ Other: _____

11. Date of Implantation as to each product:

February 26, 2014

12. Counts in the Master Complaint brought by Plaintiff(s):

- ☒ Count I: Strict Products Liability – Manufacturing Defect
- ☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)
- ☒ Count III: Strict Products Liability – Design Defect
- ☒ Count IV: Negligence - Design
- ☒ Count V: Negligence - Manufacture
- ☒ Count VI: Negligence – Failure to Recall/Retrofit
- ☒ Count VII: Negligence – Failure to Warn
- ☒ Count VIII: Negligent Misrepresentation
- ☒ Count IX: Negligence *Per Se*

- 1 ☒ Count X: Breach of Express Warranty
- 2 ☒ Count XI: Breach of Implied Warranty
- 3 ☒ Count XII: Fraudulent Misrepresentation
- 4 ☒ Count XIII: Fraudulent Concealment
- 5 ☒ Count XIV: Violations of Applicable Florida Law Prohibiting Consumer
- 6 Fraud and Unfair and Deceptive Trade Practices
- 7 ☐ Count XV: Loss of Consortium
- 8 ☐ Count XVI: Wrongful Death
- 9 ☐ Count XVII: Survival
- 10 ☒ Punitive Damages

11 Other(s): _____ (please state the facts supporting this

12 Count in the space immediately below)

13 _____

14 _____

15

16 Jury Trial demanded for all issues so triable?

17 ☒ Yes

18 ☐ No

19

20

21

22

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2 RESPECTFULLY SUBMITTED on this 31th day of May, 2019.

3 **CURTIS LAW GROUP**

4
5 By: /s/ William B. Curtis
6 William B. Curtis, *admitted pro hac vice*
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13 *Attorney for Plaintiff*

14
15 I hereby certify that on this 31th day of May, 2019, I electronically transmitted the
16 attached document to the Clerk's Office using the CM/ECF System for filing and transmittal
17 of a Notice of Electronic Filing.
18
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20
21
22

15 /s/ William B. Curtis
16 William B. Curtis